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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,721

07/24/2003

Michel Chevanne

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EXAMINER

DAILEY, THOMAS J

ART UNIT

PAPER NUMBER

2452

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/625,721

Applicant(s)

CHEVANNE ET AL.

Examiner

Thomas J. Dailey

Art Unit

2452

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-29 and 31-34.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Kenny S Lin/
Primary Examiner, Art Unit 2452

Continuation of 11. does NOT place the application in condition for allowance because:
The applicant's arguments have been considered, but they are not persuasive.

The applicant argues, with respect to independent claims 1, 14, 25, and 28, that there is no rationale to combine the teachings of Larson (US Pub. No. 2003/0069848) and Weiss (US Pub. No. 2003/0069848) and even if one were to combine the teachings, such a combination would not suggest, "a plurality of conversion rules arranged in particular scripts and corresponding to a plurality of different primary events."

The examiner disagrees. As indicated in the previous action, Larson discloses processing means comprise an interpreter provided with a plurality of conversion rules, arranged in the form of scripts that are interpreted by the interpreter and are associated with at least one primary event formats ([0129], lines 9-16, NMS system runs scripts to convert SNMP traps to XML message) and Weiss discloses a plurality of conversion rules associated with a plurality of different event formats ([0094], different event formats being an Internet telephony connection attempt, receipt of an IM message, etc.) and each of the plurality of different primary event formats corresponds to a particular script ([0098], each event needs only one script and different events will have their own scripts). Because both Larson and Weiss teach methods of converting events, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of being able to convert a plurality of event formats via a common used practice in the art; scripts that correspond to that particular event format as disclosed in Weiss. See recent Supreme Court Decision in KSR International Co. v. Teleflex Inc., 550 U.S.--, 82 USPQ2d 1385 (2007) for support of the above rationale (applying a known technique to a known device, method, or product ready for improvement to yield predictable results).

That is to say, a plurality of conversion rules arranged in the form of scripts is disclosed in both teachings. Meaning, "a plurality of conversion rules" may simply be interpreted as the code in the scripts. Larson simply does not disclose the plurality of conversion rules is associated with a plurality of different event formats and each of the plurality of different event formats corresponds to a particular script. That is to say, the combination of Larson and Weiss would yield a system with a plurality of different event formats (Larson may only disclose one event format, but the addition of more formats would not change the principle operation of Larson, i.e. converting network events and the examiner sees no reason how the addition of more event formats would preclude Larson from converting SMTP traps as it already does), and respective scripts for said formats.

Lastly the examiner notes, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The applicant further argues that the combination of Larson and Weiss only suggest one-to-one conversion from one event to one alarm and contend claim 1 requires a plurality of conversion rules being associated with a plurality of different event formats.

The examiner disagrees. It is unclear how "a plurality of conversion rules being associated with a plurality of different event formats" in the claimed invention contrasts with the combination of Weiss and Larson. That is how does the claimed invention not convert from one event to one alarm as well, specifically see claim 1 which recites, "so as to convert, by means of said rules, primary data received in one of said primary formats into secondary data in said secondary format which can be processed by said management device, and wherein each of the plurality of different primary event formats corresponds to a particular script." That is the claimed invention converts from one primary format to a secondary format, where each event format type has a particular script and each script has conversion rules. If it is simply the applicant's contention that the combination of Weiss and Larson do not disclose a plurality of conversions rules being associated with a plurality of different event formats, see response to first argument above and specifically the citations from Weiss.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

/T. J. D./
Examiner, Art Unit 2452.